

to the floor to speak momentarily. As soon as he arrives, I will be glad to yield immediately. At some later point, I will take a little more time to express my views on this issue.

I want to begin with these brief remarks by, first of all, commending my colleague from Arizona and my colleague from California. This is a legitimate issue, in my view. I don't know how many of my colleagues last evening—or in the last two evenings—I can't remember whether it was last night or the night before—saw a news program about the families of the victims in the Starbucks shootings in this city. It was very moving to see these families being considered and their presence during the court proceedings in the disposition of this matter. It was heartwarming for me to see the families have an opportunity to express how they felt about what had happened and what the sentences were going to be regarding those charged with this crime. It is not something that we have seen with great frequency over the years, but it exists because there is a provision within the law in the District of Columbia that gives victims some rights.

To that extent, I begin these brief remarks by saying to my good friends from Arizona and California, I have great respect for the issue they are trying to address—that victims of crime be given the opportunity to be involved in the proceedings where loved ones, family members, people they cared about deeply, who have been victimized, are going to have a chance to be heard and to be involved.

The concern I have is not that they have failed to identify a problem. They have. My concern is with the solution to the problem they have sought. The solution that my good friends from Arizona and California have offered to address this issue is to amend the Constitution of the United States before considering the opportunity of writing statutory language, which might achieve the very same result without amending the cornerstone, the most fundamental document each and every one of us cherish as Americans.

A statute can be changed in a minute if there are problems with it, as time may prove. When you consider the Constitution of the United States, our Founding Fathers wrote the document and made it difficult to amend because they didn't want this to become a statute, an ordinance, a collection of wishes, a place where we would write party platforms. They wanted it to be the embodiment of the fundamental principles we embrace as Americans, and to change it would take herculean efforts.

My concern is that there are already on the books numerous statutes that give victims the right to be heard in this process, as we saw just last evening in the case of the Starbucks crime here in this city. And across the

country, such statutes exist. I happen to revere, as I know my colleagues do, the Constitution of the United States. I carry with me every day in my pocket a copy of the Constitution. It was given to me by my seatmate, the distinguished senior Senator from West Virginia. I carry it with me every single day everywhere I go. I constantly remind myself of what I was elected to do, what purpose I am supposed to serve as a Member of the Senate.

The first and foremost of my responsibilities is to protect and defend this Constitution. That is my first responsibility. So when efforts are made to change this document—this thin document which—to protect and defend this Constitution is, in my view, our primary responsibility. We have before us a proposal for a constitutional amendment, which is represented on the left side of this chart. Here is the proposed constitutional amendment.

It is nearly longer than the entire Bill of Rights. The first 10 amendments—the Bill of Rights is shorter than this proposed constitutional amendment. That in and of itself ought to give us pause and cause us to be concerned, to wait and ask: Are we really going to add a provision, given the one issue, and write it into the cornerstone document of this country which has more sections and more words than is included in the Bill of Rights on which all of our individual freedoms are grounded?

I say to my good friends from Arizona and California that I could not agree with them more in identifying for the country in this forum the issue of victims' rights. It deserves and it demands attention, from State legislatures to the United States Congress. But the solution I suggest must first be sought in statutory language. If at the end of the day the statutory language is found to be unconstitutional, then you might consider amending the Constitution. But you don't seek the solution to that problem by amending the cornerstone document of our Nation first. Try the statute first. Let's see if we cannot address this problem through that vehicle and through that process, and if that fails, then come to the Constitution. But don't begin the process there. That, to me, is too dangerous.

We have an obligation to protect victims. We also have an obligation to protect the Constitution of the United States.

For those reasons, with all due respect to my colleagues whom I highly respect and have a great regard for—I have worked with my colleague from California on numerous issues, and with my colleague from Arizona, not as many, but I have a high regard for him, for his abilities, and for his contribution to the Senate—I urge them to take the language they proposed, and let's work with it. Let's see if we can't

draft a statute that would allow us to address the legitimate concerns of victims. Write it into the ordinances of our land. Test it in the courts, if you will, but do not tamper at this juncture with the Constitution of the United States.

I see the arrival of my good friend whom I just referred to by thanking him publicly for giving me my copy of the Constitution, which I carry with me.

I yield the floor.

Mr. LEAHY. Mr. President, earlier I put into the RECORD the letter that I was honored to sign with the distinguished Senator from West Virginia explaining why we should not go forward with this amendment to the Constitution.

Let me say one last thing on this. Ours is a powerful Constitution. It is inspiring because of what it allows. It is inspiring because it protects the liberty of all of us.

Think of the responsibility the 100 of us here have. Let us be good stewards. Let's keep for our children and our children's children the Constitution with protections as well considered as those bequeathed to us by the founders, the patriots, and the hard-working Americans who preceded us. Work together to improve crime victims' rights in legislation. Let the States do the same. But let us remember that the 100 of us are the ones who must reserve constitutional amendments for those matters for which there are no other alternatives available, and this is not such a matter.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 1287

Mr. KYL. Mr. President, on behalf of the majority leader, I ask consent that when the Senate receives the veto message to accompany the nuclear waste bill, it be considered as read by the clerk and spread in full upon the Journal and then temporarily laid aside, with no call for the regular order returning the veto message as the pending business in order.

I further ask consent that at 9:30 a.m. on Tuesday, May 2, the Senate proceed to the veto message and there be 90 minutes under the control of Senator MURKOWSKI and 90 minutes under the control of Senators REID and BRYAN.

I further ask consent that the Senate stand in recess for the weekly party conferences between the hours of 12:30 and 2:15 p.m. on Tuesday, May 2, 2000.

I further ask consent that at 2:15 p.m. on Tuesday, there be an additional 30 minutes under the control of Senators REID and BRYAN and 30 minutes under the control of Senator MURKOWSKI and at 3:15 p.m. the Senate proceed to vote on the question "Shall the bill pass, the objections of the President to the contrary notwithstanding?" all without any intervening action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VETO MESSAGE—S. 1287

The PRESIDING OFFICER. The Chair notes for the record the receipt by the Senate of the President's veto message on S. 1287, which, under the previous order, shall be considered as read and spread in full upon the Journal and shall be laid aside until 9:30 a.m. on Tuesday, May 2, 2000.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—Motion to Proceed—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to yield my time to the distinguished senior Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I have listened to the comments by my colleagues, those who are proponents of the proposed constitutional amendment before the Senate, and I have listened to the comments of many of my colleagues who have spoken in opposition to the proposed amendment. I compliment both sides on the debate. I think it is an enlightening debate.

I will have more to say if the motion to proceed is agreed to.

In view of the statements that have been made by several of those who are opposed to the amendment—the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), and the Senator from Connecticut (Mr. DODD), and others, they have cogently and succinctly expressed my sentiments in opposition to the amendment.

I congratulate the Senator from Vermont, Mr. LEAHY, on his statements in opposition thereto, as well as the leadership he has demonstrated not only on this proposed constitutional amendment but also in reference to other constitutional amendments before the Senate in recent days and in years past. He is a dedicated Senator in every respect. He certainly is dedicated to this Federal Constitution and very ably defends the Constitution.

I do not say that our Constitution is static. John Marshall said it was a Constitution that was meant for the ages. I will go into that more deeply later. At a later date, I will address this particular amendment.

But having been a Member of the Congress now going on 48 years, I may not be an expert on the Constitution, but I have become an expert observer of what is happening in this Congress and its predecessor Congresses, and an observer of what is happening by way

of the Constitution. I consider myself to be as much an expert in that regard as anybody living because I have been around longer than most people. I have now been a Member of Congress, including both Houses, longer than any other Member of the 535 Members of Congress today.

I must say that I am very concerned about the cavalierism which I have observed with respect to the offering of constitutional amendments. There seems to be a cavalier spirit abroad which seems to say that if it is good politically, if it sounds good politically, if it looks good politically, if it will get votes, let's introduce an amendment to the Constitution. I am not saying that with respect to proponents of this amendment, but, in my own judgment, I have seen a lot of that going on.

I don't think there is, generally speaking, a clear understanding and appreciation of American constitutionalism. I don't think there is an understanding of where the roots of this Constitution go. I don't think there is an appreciation for the fact that the roots of this Constitution go 1,000 years or more back into antiquity. I do not address this proposed constitutional amendment as something that is necessary, nor do I address this, the Constitution today, as something that just goes back to the year 1787, 212 years ago.

The Constitution was written by men who had ample experience, who benefited by their experience as former Governors, as former members of their State legislatures, as former members of the colonial legislatures which preceded the State legislatures, as former Members of the Continental Congress which began in 1794, as Members of the Congress under the Articles of Confederation which became effective in 1781. Some of the members of the convention came from England, from Scotland, from Ireland. Alexander Hamilton was born in the West Indies. These men were very well acquainted with the experiences of the colonialists. They were very much aware of the weaknesses, the flaws in the Articles of Confederation. They understood the State constitutions. Most of the 13 State constitutions were written in the years 1776 and 1777. Many of the men who sat in the Constitutional Convention of 1787 had helped to create those State constitutions of 1776 and 1777 and subsequent thereto. Many of them had experience on the bench. They had experiences in dealing with Great Britain during and prior to the American Revolution. Some of them had fought in Gen. George Washington's polyglot, motley army. These men came with great experience. Franklin was 81 years old. Hamilton was 30. The tall man with the peg leg, Gouverneur Morris, was 35. Madison was 36. They were young in years, but they had tremendous experience back of those years.

So the Constitution carries with it the lessons of the experiences of the men who wrote it. They were steeped in the classics. They were steeped in ancient history. They knew about Polybius. They knew how he wrote about mixed government. They knew what Herodotus had to say about mixed government. They knew what other great Greek and Roman authors of history had learned by experience, centuries before the 18th century. They knew about the oppression of tyrannical English monarchs. They knew the importance of the English Constitution, of the Magna Carta, of the English Bill of Rights in 1689. They knew about the English Petition of Right in 1628. All of these were parts of the English Constitution, an unwritten Constitution except for those documents, some of which I have named—the Petition of Right, the Magna Carta, the decisions of English courts, and English statutes.

So to stand here and say, in essence, that the Constitution reflects the viewpoints of the men who wrote that Constitution in 1787, or only reflects the views of our American predecessors of 1789, or those who ratified the Constitution in 1790 or in 1791, is only a partial truth. The roots of this Constitution—a copy of which I hold in my hand—go back 1,000 years, long before 1787, long before 1791 when the first 10 amendments which constitute the American Bill of Rights were ratified. That was only a milestone along the way—1787, 1791. These were mere milestones along the way to the real truths, the real values that are in this Constitution, a copy of which I hold in my hand. Those are only milestones along the way, far beyond 1787, far beyond 1776 or 1775 or 1774. Why was that revolution fought? Why did our forbears take stand there on the field of Lexington, on April 19, and shed their blood? Why was that revolution fought? It was fought on behalf of liberty. That is what this Constitution is all about—liberty, the rights of a free people, the liberties of a free people. Liberty, freedom from oppression, freedom from oppressive government, that is why they shed their blood at Lexington and at Bunker Hill and at Kings Mountain and at Valley Forge, down through the decades and the centuries. The blood of Englishmen was spilled centuries earlier in the interests of liberty, in the interests of freedom: Freedom of the press, freedom to speak, freedom to stand on their feet in Parliament and speak out against the King, freedom from the oppression of the heavy hand of government. That is what that Constitution is about.

There are those who think that the Constitution sprang from the great minds of those 39 men who signed the Constitution at the Convention, of the 55 who attended the meetings of the Convention—some believe that it